

The first half of the second sentence of present Art. 43, § 268(c) now appears in § 12-410 of this subtitle.

12-410. HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 12-409 OF THIS SUBTITLE OR ANY ACTION TO SUSPEND OR REVOKE A PHARMACY PERMIT UNDER ANY OTHER SECTION OF THIS TITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) APPLICATION OF THE ADMINISTRATIVE PROCEDURE ACT.

THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) EX PARTE HEARINGS.

IF AFTER DUE NOTICE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: This section is new language derived without substantive change from the reference in the last half of the second sentence of Art. 43, § 268(c) to "due notice and opportunity for hearing".

Subsection (c) of this section is new language added to clarify that the Board may proceed with the ex parte hearing if the accused person has been given due notice.

In subsection (a) of this section, the introductory language, "Except as otherwise provided in the Administrative Procedure Act", is new language added to clarify that the Board may summarily take action under certain circumstances. See Art. 41, § 250A(c) of the Code.

The reference in subsection (b) of this section to the Administrative Procedure Act is standard language added to this and, where necessary, comparable hearing sections in other titles of this article. It demonstrates clearly the intended application of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to administrative hearings under this section.

12-411. ADMINISTRATIVE AND JUDICIAL REVIEW.